

Performance Track Regulatory and Non-Regulatory Incentives

Your membership in Performance Track provides you with regulatory and administrative benefits. EPA has established the policy that better environmental performance warrants different oversight and that environmental achievement beyond compliance should be recognized and rewarded. Marketing the regulatory and administrative incentives that Performance Track offers to key decision-makers within your facility and company should help you build the consensus you need to apply for Performance Track. Currently, there are several federal incentives in place, and others in various stages of development. To view additional information on regulatory and non-regulatory incentives, you can visit www.epa.gov/performance-track/benefits/regadmin.htm.

The incentives available now are a low priority for routine inspections, an extended accumulation time for storing hazardous waste, reduced reporting frequency for air sources, more favorable terms for Clean Water State Revolving Fund loans, and an expedited NPDES permit renewal process.

- **Low Priority for Routine Inspections—** Performance Track facilities are given a low priority for routine inspections by EPA. Senior enforcement officials in each EPA region are responsible for ensuring that this policy is implemented and appropriately incorporated into internal planning and accountability processes, as well as planning processes with states and localities.
- **Extended Hazardous Waste Accumulation Time—** This provision allows large quantity generators of hazardous waste who are Performance Track members up to 180 days, and in some cases 270 days, to accumulate their hazardous waste without a RCRA (Resource Conservation and Recovery Act) permit or interim status.
- **Reduced Reporting Frequency for Air Sources—** This provision reduces the frequency of reports required under the Maximum Achievable Control Technology (MACT) provisions of the Clean Air Act such that semi-annual reports may be submitted annually. The rule also allows for submitting an annual certification in lieu of an annual report in some circumstances.
- **Clean Water State Revolving Fund Program—** EPA encourages states to provide more favorable terms to Performance Track facilities in their Clean Water State Revolving Fund (CWSRF) programs. CWSRF programs use a combination of federal and state contributions to make low interest loans to interested parties for a variety of water quality projects dealing with municipal wastewater treatment projects, non-point sources, watershed protection or restoration, and estuary management. The incoming loan repayments are “recycled” into new loan disbursements for other water-related projects. The CWSRF loans can help Performance Track facilities achieve environmental commitments that are important to state and local environmental priorities. The support also could encourage facilities to increase their community involvement, perhaps helping to link facilities with watershed groups. Working with Performance Track facilities also allows states to support activities that are beyond regulatory requirements. More information is available in the EPA fact sheet (see www.epa.gov/owm/cwfinance/cwsrf/performance-track.pdf).
- **Expedited NPDES Permit Reviews—** The Performance Track program has worked with EPA's Office of Water to finalize in 2005 a process to expedite the renewal of NPDES permits held by Performance Track facilities.



- **Effluent Guidelines Planning Process**—In its analyses to determine whether to develop or revise effluent guidelines for various industry sectors, EPA considers the sectors' voluntary efforts to reduce water pollution, such as through facility improvements in programs like Performance Track (see www.epa.gov/ost/guide/public-meeting-jan-28-2004.pdf).

The following is a summary of other regulatory efforts that EPA is developing:

Air Incentives

- **Flexible Permits**—EPA is developing a number of flexible air permits for Performance Track facilities that are "major sources." The flexible permits typically include provisions that approve certain types of changes that would otherwise require a major permit modification. Facilities with flexible permits usually make advance approved changes based on business conditions, without having to amend their permit. Flexible permits save facilities and states time and money.
- **Designated Contact for Performance Track Members**—The Clean Air Act and the National Emissions Standards for Hazardous Air Pollutants currently require sources of air pollutants to use the MACT. EPA has proposed a rule that provides compliance alternatives for sources that reduce or eliminate their Hazardous Air Pollutants (HAPs). Note: These options are available to all facilities, not just Performance Track members. For Performance Track facilities, EPA has proposed: Designated Contact—State permit engineers handling MACT flexibility applications from Performance Track members will be provided with a designated EPA contact who will provide technical support and help expedite the application process.

Waste Incentives

- **Less Frequent Self-inspections for Performance Track Facilities**—In 2003, EPA published a "Notice of Data Availability" that provided public notice of the Agency's intent to provide specific benefits for Performance Track facilities under the RCRA Burden Reduction Initiative. Under the final burden reduction rule, the Agency would provide Performance Track RCRA facilities the opportunity to reduce self-inspections of certain types of hazardous waste units from weekly to monthly. The rule is slated to be finalized in 2005.
- **RCRA Incentives Rule**—EPA intends to propose a new rule for Performance Track facilities that generate, treat, store, or dispose of RCRA wastes. The rule will propose benefits such as permit streamlining, performance-based tank standards, a new type of standardized permit, and increased efficiency between RCRA Air standards and CAA standards.

Other State and Partnership Program Incentives

- EPA's Performance Track program is working with state partners to streamline state program application and reporting processes, reduce regulatory and administrative burdens placed on members, and develop and deliver meaningful incentives. To help achieve these goals, EPA has thus far signed a Memorandum of Agreement (MOA) with nine states—Colorado, Georgia, Maine, Massachusetts, Tennessee, Texas, Utah, Virginia, and Washington.